

NH Dredge Management Task Force

Meeting Minutes – June 25, 2008

The meeting was held on Wednesday, June 25, 2008 from 1:30 PM to 3:00 PM at the Department of Environmental Services (DES)/New Hampshire Coastal Program (NHCP) Office, 50 International Drive, Pease Tradeport, Portsmouth, NH.

Introductions/Announcements– Vice Chairman Ted Diers asked members to introduce themselves. The list of attendees follows:

Attending members in alphabetical order:

Tom Dobbins, Sprague Energy
Olga Guza, EPA
Mark Habel, ACOE
Sarah Holmes, Office of Congresswoman Shea-Porter
Chris Holt, Portsmouth Pilots/Moran Towing
Richard Holt, Moran Towing
Michael Johnson, NMFS
Michelle Juliano, NH DOT Public Works Bureau
Pat Kelley, Wentworth Marina and Ports and Harbors Advisory Committee
Clare McBane, NH F&G
Ryan McCarthy, ENSR
Eric Nestler, Normandeau Associates
Grant Nichols, PDA Div. Ports and Harbors
Frank Richardson, NH Wetlands Bureau, DES
Richard Roach, ACOE
Tracy Shattuck, PDA Div. Ports and Harbors
Mike Walsh, ACOE
Mark Whittemore, NH DOT Public Works Bureau

Guests:

Valerie Cappola, ACOE
Luke Hurley, Gove Environmental
William Kavanaugh, ACOE

Staff:

Ted Diers, Vice Chairman, NH Coastal Program
Mary Power, NHCP

Legislative update - Vice Chair asked if ACOE (Habel) would update the group. ACOE (Habel) said he did not have anything new to report. He continued by saying both bodies (House – Senate) are debating their versions of the FY '09 appropriations and the hope is it will be the same as last year with the House passing the detailed appropriations bill and the Senate won't pass anything and it will go to conference and then it will be given back to the agency to decide what to do with the money. Congresswoman Shea-Porter (Sarah

Holmes) said the sub-committee marked up the bill last week and it has gone to full committee. She said they will know what is going to happen within the next couple of days. There have been 12 appropriations bills this year and some will not pass. ACOE (Habel) said the agency will be looking for guidance and will look at the projects that were named in the House bill or the Senate bill. Diers asked if they know what projects are being named. ACOE (Habel) was unsure. Congresswoman Shea-Porter (Holmes) said they don't know yet which projects are going to be named but that she will get that information to us as soon as she gets it. Diers said it will be good to have that information for planning purposes.

Project Updates

• *Piscataqua River Turning Basin Feasibility Study, Including Disposal Alternatives* - Vice Chair asked for an update from the ACOE.

ACOE (Habel) said at the last meeting he showed the alternatives such as expanding the existing basin and discussing three different diameters for the turning basin. ACOE will also be conducting an assessment of the distance from the proposed dredging area to the nearest eelgrass beds as was requested by some agencies. The ACOE will also be performing an economic analysis of the terminals along the river, the Port Authority and the Portsmouth Pilots to develop the economic benefits of the plan. One effort will be to give the entities greater access on each tide cycle to get vessel in and out, and damage avoidance which the Pilots will be asked to consult on for risk analysis. ACOE hopes to have the draft report done by the end of this calendar year. If it is approved it will go out to the public and agencies after the new year for a 45 day public review period. NH Fish and Game (Clare McBane) said the ACOE has been sent letters from EPA and NH F&G stating that disposal should not occur in the Piscataqua River. ACOE (Habel) said it was from NMFS and NH F&G and he acknowledged the receipt and said they understood. NH F&G (McBane) asked if she could be copied/mailed on any information sent to NH F&G. She went on to say the ACOE was asked for data but it has not been remitted yet. ACOE (Habel) asked which data she referred to but she was unsure. NH Coastal Program (Diers) suggested it might be depth data. ACOE (Habel) said the survey data, the subsurface explorations data and the seismic profile data will be in the report. NH F&G (McBane) said she would like a copy of that report.

Vice Chair raised the issue removing rock and stone from the blasting and the appropriateness of use in flats offshore for reef creation. ACOE (Habel) said there will likely be 25 to 50 thousand cubic yards of rock and the rest of the material will be hard-packed glacial sand that is very clean. The remaining material has been excluded from further testing by the EPA. ACOE is willing to place the material wherever the state wants to use it. NH Coastal Program (Diers) said it will be an agenda item at the next DMTF meeting. NH F&G (McBane) asked if it will be done during the dredge window and ACOE (Habel) said it has to be negotiated because it is a big job and they want to avoid shutting the river down for two years. NH F&G (McBane) asked about the location of the eelgrass and ACOE said they are going to do a more thorough survey to find it. Discussion followed. NH Coastal Program (Diers) asked if ACOE will send the current set of alternative turning basin configurations. ACOE (Habel) agreed to send it to him. Diers said they would like to overlay the newest hyper spectral data onto the proposals. Moran Towing (Dick Holt) produced a map for all to review showing the smallest amount of dredging for the maximum benefit. Discussion followed. NH Coastal Program (Diers) said this proposal and Mr. Holt's map will be on the next agenda.

• *Cochecho River Maintenance Dredge* - Vice Chair asked ACOE (Mike Walsh) to give the group an update. He said they are in the third and final phase of the dredging process. A meeting between the ACOE, the City

of Dover and the congressional delegation and their representatives took place a number of months ago and it was stated that there would be no more money for projects in FY '08. The ACOE had received \$2.8 million even though \$3.8 was requested. ACOE (Walsh) said they have paid the City of Dover \$900K for disposal fees and the plan is to use the remaining funds for dredging those shallow areas below the lower narrows at a depth of 5 feet or less. The plans and specifications are complete and they are going to a small business, set-aside contractor, Green Seal, who has teamed up with the contractor who did the dredge last year. They hope to have a negotiated price within a month and be able to dredge in the fall. NMFS (Mike Johnson) asked what the start date will be. ACOE (Walsh) said the standard window is November 15th to March 15th but Fish and Game has granted their request to remove the tops of some rock outcroppings that remain in areas that were previously dredged at the beginning of November. Dredging will begin on November 15th. NMFS (Johnson) asked if they will have to go beyond the dredge window in the spring. ACOE (Walsh) said he doubts it but it may take longer because they need to do areas that have shoaled five feet or above and it will limit the ability of equipment to move in the river so production rate will be slower. He said NH F&G (Patterson) stated they can have a possible extension beyond March 15th through to April 7th. NMFS (Johnson) asked to get a copy of that. Agreed. Discussion followed.

•*Hampton Section 107 Feasibility Study Report & Future of Half-Tide-Jetty* - Vice Chair asked ACOE (Habel) to give an update. ACOE (Habel) said they want to complete the draft report by the end of the year and they will only need the approval of the New York office before putting out for public review. They still need to work with the PDA- DPH and with UNH on the issue of the half-tide jetty. Vice Chair asked if they need to do a specific meeting with UNH and the ACOE engineers. ACOE (Habel) said there needs to be some discussion on what they have done and about their model. Vice Chair said Chairman Williams will organize a meeting between the groups. He asked if PDA/DPH (Tracy Shattuck) wanted to be involved in that meeting. Affirmative.

•*Sagamore Creek Maintenance Dredge* - Vice Chair asked ACOE (Walsh) to give an update. Walsh said the ACOE is going forward with some benthic sampling, which may happen in August. They will be doing a survey of eelgrass and the benthic sampling on the same day. NMFS (Johnson) asked when that will be complete. ACOE (Walsh) might be six months to a year and added that they do not have any project funds for it. NMFS (Johnson) asked if they planned to do the area that was discussed, 75' width and 6' depth. ACOE (Walsh) said yes but there is a small area that will not be dredged because there is eelgrass in the area.

•*Piscataqua River "Simplex Shoal" Maintenance Dredge* - ACOE (Bill Kavanaugh) said that about four months ago he and ACOE (Ed O'Donnell) gave a presentation regarding Simplex Shoal area and the situation that made it necessary for them to dredge in 2000. The most recent survey is showing that shoals have begun to form in that same area. Although they are not above the 35' authorized depth, they are beginning to creep up and will soon be at that level. ACOE thought the in-river sites for disposal would be used but NH Fish and Game has said they do not want dredge materials to be placed in the river. Kavanaugh said they addressed all the concerns that NH Fish and Game (Bruce Smith) and other Fish and Game representatives had and assumed the issue was resolved. He forwarded the emails that were written by he and NH Fish and Game (Smith) to Chairman Williams for review and dissemination to NH Fish and Game personnel. NH Fish and Game (McBane) said some personnel have not received those emails. Vice Chair said he would ask Chairman Williams about the emails. ACOE (Kavanaugh) continued by saying he and NH Fish and Game (Smith) had ongoing email conversations regarding the dredging and how, programmatically, the ACOE had done this type of thing in other areas where they went for long-term approvals that puts them in a position to do the dredging when it becomes necessary and when funding is available. He continued by saying when the

shoaling reached the critical level the ACOE doesn't want to be put into the position where they have to scramble for approvals as was the case in 2000. If the large tankers can't get into the river because of the shoaling it will drive the fuel costs up. ACOE (Kavanaugh) said the impetus for the ACOE to come up here again was to try to get the discussions going to consider a programmatic approach to the project. He continued by saying they consider the federal standard to be maintenance dredging with disposal in the river which will happen every seven to nine years so they wanted to get a maintenance dredging approval. NH Fish and Game (McBane) said that NH Fish and Game does not want dredge materials disposed in the river. ACOE (Roach) suggested a meeting between the Commissioner of NH DES, and the Director of NH Fish and Game to resolve the issues. Vice Chair will organize a conference call between NH Fish and Game (Patterson) (Smith) (McBane), ACOE and DES to make sure we are all on the same page. Agreed. Discussion followed regarding the existence of proof that river disposal of 8,000 cubic yards of material from the Simplex Shoal area is detrimental. It was stated that the data collected proves that in-river disposal does not increase (or decrease) the amount or pace of shoaling. Vice Chair Diers said he will be sure that Fish and Game staff has what they need to see and if there is still a problem after that, we will organize a meeting. If there is a problem after that meeting then the director of Fish and Game, upper level people at DES and at the ACOE will be asked to meet. Discussion followed regarding advanced maintenance. ACOE (Kavanaugh) drew a diagram and stated that advanced maintenance can only be done in areas that are considered fast shoaling and where it is economically justifiable. It will decrease the length of time between dredging projects. Discussion followed.

Other Business

•*Regional Dredge Material Management Plan Updates* - Vice Chair said there are two aspects of the plan one being the Upland Disposal study which is partially complete but needs another \$150 K. The second part of the plan is to look at offshore disposal. It centers around the Cape Arundel dredge material disposal site (CADS) and until recently there was an ongoing discussion with Maine to keep CADS open for some period of time until it was full. The ACOE Marine Analysis Section (Tom Fredette) reviewed the survey data and the history of the site and it is clear that the capacity is only about 200K cubic yards and not the million cubic yards that was previously thought to be there. The state of Maine is not happy about the possibility of using the remaining capacity at the site for the Piscataqua River Turning Basin project. Moran Towing (D. Holt) said that most of the material coming from the turning basin area is from the Maine side of the river. Vice Chair said it is possible that the diminished capacity may not meet our needs for the Piscataqua and it does not meet the timeframe. Diers continued by saying that CADS is used for materials that can't be used for anything else (e.g., beach nourishment). To date, New Hampshire has contributed about 70% of the dredged material that has been placed at CADS. The majority of this material has come from a couple of large projects, including prior dredging in the Piscataqua River. Maine has contributed to CADS much more frequently, but with smaller projects. He said the scoping for a designated offshore site needs to happen soon. ACOE (Habel) said that EPA (Olga Guza) stated that there may be a shortcut for EPA to designate an existing, active disposal site even with some modification to its size without going through a full EIS but instead by doing an EA (environmental assessment) provided the two states agreed and there aren't any technical objections. EPA (Guza) said an EA would be sufficient if there is not footprint change. Increasing the size might mean a full EIS. She continued by saying if they started the process now to try to keep CADS open without increasing the size using just the EA will cost much less and take less time therefore it will be done before it closes. That would keep it open for the Piscataqua projects as well as for Maine's small projects and they could run a parallel track of looking at the scoping process for designating a larger disposal site. She continued by saying the new designated site should be in federal waters rather than in waters of a

particular state. Vice Chair said the NMFS people in the state of Maine are not happy about the proposed expansion of CADS. ACOE (Habel) suggested the state of NH and the state of Maine have a meeting with the federal agencies acting as facilitator. Vice Chair said the state of Maine wants to keep the CADS open in its current configuration until it's full. The two states are working on language to come to an agreement to allow both state's projects to use that site. Maine is taking the lead on that part and NH will take the lead on acquiring money to begin the scoping process for the bigger study for expansion of the CADS or for finding a new site in federal waters off NH or ME. Discussion followed. Vice Chair said the question is whether there is enough money in the next budget to move these things forward.

Skip agenda items; forward to:

- Hampton Marina Dredging, Gove Environmental Services. Vice Chair asked Luke Hurley of Gove Environmental Services to introduce himself. Mr. Hurley stated that he was representing Hampton Marina. He began by saying the Marina has proposed to dredge the existing inner and outer basins as well as an individual's private docking area. They will bring in a clamshell barge to dredge the material during the dredge window of November 15th through March 15th and only at high tide. The dredged material will be offloaded onto twelve-wheelers and hauled away. The town of Hampton has shown interest in using some of the material for beach nourishment but it has not yet been confirmed. He went on to say they will be using silt curtains throughout the entire area. NMFS (Johnson) asked if Gove Environmental had any experience with silt curtains in Hampton Harbor. Gove Environmental (Hurley) said they used one for an emergency project and it worked well. It was anchored well at the bottom and it moved up and down with the tides. Gove E.S. (Hurley) continued with his presentation. Vice Chair asked if an application had been submitted to the DES Wetlands Bureau. Gove (Hurley) said that it has and the Wetlands Bureau file number is 2008-01047. ACOE (Roach) asked Wetlands Bureau (Frank Richardson) if he was handling the file and if the project is subject to a general maintenance permit if it is determined to be a previously permitted boating facility. Wetlands Bureau (Richardson) said he is handling it and has archival information on the marina site. He has determined that the inner basin will be considered maintenance dredging and he believes the outer set of fingers are as well but he will need to substantiate that. NMFS (Johnson) asked if that included the individual's small dock. Wetlands Bureau (Richardson) said no and that this issue is something new and that he needs to look at it before it can be included in the final plan. Vice Chair asked if there were other concerns that need to be addressed by Gove E.S. (Hurley). Discussion followed to include the statement that it will need an ACOE permit but it is hoped that it will be covered by a state general permit. More discussion followed. ACOE (Roach) asked Gove E.S. (Hurley) to send the plans in email form to him. Agreed. NMFS (Johnson) asked what the total volume of dredge material is going to be. Gove E.S. (Hurley) said 27,333 cubic yards.

- Schedule next DMTF meeting - Vice Chair scheduled the next meeting for September 10, 2008 at the DES Pease Office, 50 International Drive, Portsmouth.

Adjourned, 3:15 PM